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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,614	07/11/2001	Philippe Anguita	032326-134	2067
21839	7590	06/30/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ZIA, SYED	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,614

Applicant(s)

ANGUITA ET AL.

Examiner

Syed Zia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/16/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application filed on July 11, 2001. Original application contained Claims 1-15. Therefore, Claims 1-15 are pending for consideration.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-15 is rejected under 35 U.S.C. 102(e) as being anticipated by Ugon (U. S. Patent 5,944,833).
2. Regarding Claim 1 Ugon teaches an electronic component including at least one microprocessor and storage means for executing a main program, and a counter for counting a random value, said counter generating an information signal at the end of a time period determined by said random value, for suspending the execution of said main program for a length of time required for a secondary program to be executed by the microprocessor (col.3 line 50 to col.5 line 38).

3. Regarding Claim 8 Ugon teaches a method of masking operations in an electronic component including at least one microprocessor and storage means for executing a main program, said method including the steps of generating a random value and suspending the execution of the main program at random instants based upon said random value for a length of time required for a secondary program to be executed (Fig. 1-2, col.3 line 50 to col.5 line 38).

4. Claims 2-3,5, 9-10, 12, and 15 are rejected applied as above in rejecting Claims 1 and 8. Furthermore, the system of Ugon teaches and describes a system of de-correlating instruction sequence (Fig. 1-3), wherein:

As per Claim 2 the execution time of the secondary program is constant (col.2 line 28 to line 35, and col.8 line 15 to line 30).

As per Claim 3 the execution time of the secondary program is variable (col.2 line 28 to col.2 line 35, col.7 line 65 to col.8 line 5).

As per Claim 5 further including current-consuming means that are activated by the secondary program (Fig. 1-3, and col.5 line 45 to col.8 line 43).

As per Claim 9 the secondary program comprises the steps of disabling a counter which determines said random instants, drawing a new random value, initializing the counter with said new value, and enabling the counter to resume counting before returning to the execution of the main program (col.7 line 45 to col.8 line 30).

As per Claim 10 the secondary program is executed in a random amount of time (col.2 line 28 to col.2 line 35, col.7 line 65 to col.8 line 5).

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As per Claim 12 the secondary program also activates current-consuming means (Fig. 1-3, and col.5 line 45 to col.8 line 43).

As per Claim 15 further including the step of selecting one of a plurality of secondary programs to be executed during said suspending step (col.2 line 35 to line 42, and col.5 line 45 to col.6 line 50).

5. Claims 4, 6-7, 11, and 13-14 are rejected applied as above in rejecting Claims 3, 5, 10, and 12. Furthermore, the system of Ugon teaches and describes a system of de-correlating instruction sequence (Fig. 1-3), wherein:

As per Claim 4 the execution time of the secondary program is random (col.2 line 25 to line 27, and col.7 line 65 to col.8 line 5).

As per Claim 6, and 13 said current-consuming means comprise a charge pump (Fig. 1-2).

As per Claim 7, and 14 said current-consuming means comprise instructions resulting in instantaneous consumption (Fig. 1-3, and col. 3 line 4 to line 15).

As per Claim 11 the secondary program comprises the steps of disabling a counter which determines said random instants, drawing a new random value, counting down to zero from said new random value in a loop of the secondary program, drawing another new random value, initializing the counter to said other new value, and activating the counter, before returning to the execution of the main program (col.5 line 45 to col.6 line 50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

June 18, 2005

